

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GORDON HORNER and ANN MARIE
HUDSON, individually and on behalf of
all others similarly situated,

Plaintiffs,

-v-

5:22-CV-1324 (AJB/TWD)

LITTLE CAESAR ENTERPRISES, INC., *et al.*,

Defendants.

Hon. Anthony J. Brindisi, U.S. District Judge:

ORDER TO SHOW CAUSE

In its Opinion & Order published on May 15, 2025, the Court conditionally approved the following putative FLSA collective: “All current and former managers employed by defendants in the state of New York and classified as exempt at any time from December 9, 2019 through the date of trial.” *See* Dkt. No. 138 at 15, ¶¶ 2. The Court also ordered plaintiffs to submit an amended Notice of Lawsuit, Consent to Join Form, and Proposed Publication Order that complied with its decision for approval within fourteen days. *See id.* ¶ 3.

On June 2, 2025, plaintiffs filed the amended materials. However, the proposed FLSA collective set forth in the amended Proposed Publication Order (Dkt. No. 139-1) and Notice of Lawsuit (Dkt. No. 139) deviate from the putative FLSA collective conditionally approved by the Court. *See, e.g.,* Pls.’ Am. Notice of Lawsuit, Dkt. No. 139 at 1 (“TO: All current and former managers employed by Defendants in the state of New York and classified as exempt at any time

from *December 18, 2020* through the date of trial.”) (emphasis added); *id.* at 2 (“You may be owed unpaid overtime wages if you worked for Defendants *as a manager at any time between December 18, 2020 and the present.*”) (emphasis added); Pls.’ Am. Proposed Publication Order, Dkt. No. 139-1 at 1, ¶ 1 (“On or before thirty days (30) days after entry of this Order, the Plaintiffs or their designated representatives shall cause a copy of the Notice of Lawsuit and Consent to Join Form to be issued by text message, e-mail, and/or first class mail to: *All individuals employed by Defendants as managers at any time between December 18, 2020 through the date of trial.*”) (emphasis added).

Plaintiffs are **ORDERED** to either: (1) **SHOW CAUSE** within three days why the deviations are justified by filing a letter brief on the docket, or (2) **SUBMIT** within three days an amended Notice of Lawsuit, Consent to Join Form, and Proposed Publication Order compliant with the Court’s May 15, 2025 decision for the Court’s approval.

IT IS SO ORDERED.

Dated: June 5, 2025
Utica, New York.


Anthony J. Brindisi
U.S. District Judge